

Senate Bill No. 542

CHAPTER 831

An act to amend Sections 2786, 5006, 5006.1, and 5007 of the Penal Code, relating to the Inmate Welfare Fund, and making an appropriation therefor.

[Approved by Governor September 30, 2012. Filed with
Secretary of State September 30, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 542, Price. Inmate Welfare Fund.

Existing law establishes the Inmate Welfare Fund of the Department of Corrections and Rehabilitation in the State Treasury. Existing law requires that the money in the fund constitute a trust to be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the department, as specified. Existing law requires the Department of Finance to conduct a biennial audit of the fund and, at the end of each intervening fiscal year, to prepare a statement of operations.

This bill would authorize the use of moneys in the Inmate Welfare Fund for education programs, hobby and recreational programs, as specified, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles, and would specify the intent of the Legislature that the moneys not be used for programs that the department is required to provide. The bill would require the warden of each institution and specified other stakeholders to meet at least biannually to determine how the money is used in that institution.

Under existing law, funds from the Inmate Welfare Fund are prohibited from being used for specified expenses, including overtime for staff, television repair, and athletic or recreation supplies. Under existing law, moneys in the fund, as they relate to state prison camps, are continuously appropriated.

This bill would authorize the use of fund moneys for educational programs, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles, thereby making an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 2786 of the Penal Code is amended to read:

2786. All money received pursuant to this article in the Inmate Welfare Fund of the Department of Corrections and Rehabilitation is hereby

appropriated for educational, recreational, and other purposes described in Section 5006 at the various prison camps established under this article and shall be expended by the secretary upon warrants drawn upon the State Treasury by the Controller after approval of the claims by the California Victim Compensation and Government Claims Board. It is the intent of the Legislature that moneys in this fund only be expended on services other than those that the department is required to provide to inmates.

SEC. 2. Section 5006 of the Penal Code is amended to read:

5006. (a) (1) All moneys now held for the benefit of inmates currently housed in Department of Corrections and Rehabilitation facilities including those known as the Inmate Canteen Fund of the California Institution for Men; the Inmate Welfare Fund of the California Institution for Women; the Trust Contingent Fund of the California State Prison at Folsom; the S.P.L. Commissary, Canteen Account, Hobby Association, Camp Account, Library Fund, News Agency of the California State Prison at San Quentin, the Prisoners' Fund; and the Prisoners' Employment Fund, shall be deposited in the Inmate Welfare Fund of the Department of Corrections and Rehabilitation, in the State Treasury, which is hereby created. The money in the fund shall be used solely for the benefit and welfare of inmates of prisons and institutions under the jurisdiction of the Department of Corrections and Rehabilitation, including the following:

(A) The establishment, maintenance, employment of personnel for, and purchase of items for sale to inmates at canteens maintained at the state institutions.

(B) The establishment, maintenance, employment of personnel, and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of the department.

(C) Educational programs, hobby and recreational programs, which may include physical education activities and hobby craft classes, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles.

(2) The warden of each institution, in collaboration with at least two representatives from local or state advocacy groups for inmates and two members of either the men's or women's advisory council or similar group within each institution, shall meet at least biannually to determine how the money in the fund shall be used to benefit the inmates of the respective institution. It is the intent of the Legislature that the funds only be expended on services other than those that the department is required to provide to inmates.

(b) There shall be deposited in the Inmate Welfare Fund all net proceeds from the operation of canteens and hobby shops and any moneys that may be assigned to the state prison by prisoners for deposit in the fund. The moneys in the fund shall constitute a trust held by the Secretary of the Department of Corrections and Rehabilitation for the benefit and welfare, as herein defined, of all of the inmates of institutions and prisons under the jurisdiction of the department.

(c) The Department of Finance shall conduct a biennial audit of the Inmate Welfare Fund to include an audit report which shall summarize expenditures from the fund by major categories. At the end of each intervening fiscal year, a statement of operations shall be prepared that shall contain the same information as would be provided in the biennial audit. At least one copy of any statement of operations or audit report shall be placed in each library maintained by the Department of Corrections and Rehabilitation and shall be available there to any inmate.

SEC. 3. Section 5006.1 of the Penal Code is amended to read:

5006.1. (a) Notwithstanding any provision in Section 5006, money in the Inmate Welfare Fund shall not be expended to pay charges for any or all of the following purposes:

- (1) Overtime for staff coverage of special events.
- (2) Television repair.
- (3) Original complement of television sets and replacement of television equipment.

(b) The department shall pay these charges out of any money appropriated for these purposes.

SEC. 4. Section 5007 of the Penal Code is amended to read:

5007. The Secretary of the Department of Corrections and Rehabilitation may invest money in the Inmate Welfare Fund that in his or her opinion is not necessary for immediate use, with the approval of the Department of Finance, and interest earned and other increment derived from investments made pursuant to this section shall be paid into the Inmate Welfare Fund of the Department of Corrections and Rehabilitation.